



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Colorado River Valley Field Office
2300 River Frontage Road
Silt, Colorado 81652



CATEGORICAL EXCLUSION

DOI-BLM-CO-N040-2015-0046-CX

PROJECT NAME.

Abrams Creek Cattleguard.

CASEFILE NUMBER.

Case file number #018097.

LOCATION.

Eagle County, South of Eagle, CO.

LEGAL DESCRIPTIONS.

T.5 S., R. 84 W., Section 30 (see attached map).

APPLICANT.

Grazing Permittee.

PURPOSE AND NEED FOR ACTION.

The mission of the BLM is “to sustain the health, diversity, and productivity of the public lands for the use and enjoyment of present and future generations”. Land Health Standards and Guidelines for Livestock Grazing Management were developed between the BLM and the Colorado Resource Advisory Council to ensure that the mission of the BLM will be achieved.

The purpose of the action is to replace an existing gate with a cattleguard to better control livestock drift between two grazing allotments. The gate currently gets left open by public users and is an issue for livestock trespass.

PROPOSED ACTION.

The Proposed Action is to install a cattleguard using a backhoe on the Abrams Creek fence between the East Hardscrabble and West Hardscrabble Allotments and re-align the fence as shown in the attached map. This action would involve removing about 600 feet of existing fence and adding about 1,400 feet of new fence by hand.

Maintenance activities will be limited to the existing footprint of the existing projects. Fence maintenance will occur annually with hand tools and would maintain access along fence lines.

The following terms and condition will be included in the cooperative agreement for construction and maintenance of the projects described in the proposed action.

1. Cultural Resource. If subsurface cultural values are uncovered during operations, all work in the vicinity of the resource will cease and the authorized officer with the BLM notified immediately. The operator shall take any additional measures requested by the BLM to protect discoveries until they can be adequately evaluated by the permitted archaeologist. Within 48 hours of the discovery, the State Historic Preservation Officer (SHPO) and consulting parties will be notified of the discovery and consultation will begin to determine an appropriate mitigation measure. BLM in cooperation with the operator will ensure that the discovery is protected from further disturbance until mitigation is completed. Operations may resume at the discovery site upon receipt of written instructions and authorization by the authorized officer.
2. Native American Human Remains. Pursuant to 43 CFR 10.4(g), the holder must notify the authorized officer, by telephone, with written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony on federal land. Further, pursuant to 43 CFR 10.4 (c) and (d), the holder must stop activities in the vicinity of the discovery that could adversely affect the discovery. The holder shall make a reasonable effort to protect the human remains, funerary items, sacred objects, or objects of cultural patrimony for a period of thirty days after written notice is provided to the authorized officer, or until the authorized officer has issued a written notice to proceed, whichever occurs first.
3. Paleontological. Any paleontological resource (historic or prehistoric site or object) discovered by the operator, or any person working on their behalf, on public or Federal land shall be immediately reported to the authorized officer. The operator shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the authorized officer. An evaluation of the discovery will be made by the authorized officer to determine appropriate actions to prevent the loss of significant scientific values.

4. Weed Management. To reduce the opportunities for weeds to become established and to reduce the opportunities for offsite sediment transport, the disturbed areas will be reseeded with a certified weed-seed free mixture of native grasses adapted to the site. The permittee will monitor the disturbance to detect the presence of any noxious weeds and will be responsible for promptly controlling any noxious weeds on the Colorado State List A or B (except redstem filaree) within the area disturbed from construction. If the permittee chooses to use herbicides as the control method on public lands, a Pesticide Use Proposal shall be submitted to the BLM and approved prior to initiating any herbicide spraying. The operator is to ensure equipment involved in land disturbing actions be clean of noxious weed seeds or propagative parts prior to entry on site. When working in areas with noxious weeds, equipment should be cleaned prior to moving off site.
5. Birds of Conservation Concern. To minimize possible impacts to birds of conservation concern between May 15 and July 15, the BLM wildlife biologist will be consulted if nesting birds of conservation concern are found during fence installation/modification.

PLAN CONFORMANCE REVIEW.

The proposed action is subject to and has been reviewed for conformance with the following plan (43 CFR 1610.5, BLM 1617.3):

Name of Plan. Glenwood Springs Resource Management Plan

Date Approved. Jan. 1984, revised 1988, amended in November 1991 - Oil and Gas Leasing and Development - Final Supplemental Environmental Impact Statement; amended Nov. 1996 - Colorado Standards and Guidelines; amended in August 1997 - Castle Peak Travel Management Plan; amended in March 1999 - Oil and Gas Leasing & Development Final Supplemental Environmental Impact Statement; amended in November 1999 - Red Hill Plan Amendment; and amended in September 2002 – Fire Management Plan for Wildland Fire Management and Prescriptive Vegetation Treatment Guidance; amended in September 2009; and amended in October 2012 - Approved Resource Management Plan Amendments/ Record of Decision (ROD) for Solar Energy Development in Six Southwestern States.

Decision Number/Page. The action is in conformance with Livestock Grazing Management (pg. 18).

Decision Language. “Construct facilities such as springs, reservoirs, fences, corrals, and livestock trails where necessary to control and distribute livestock.”

COMPLIANCE WITH NEPA.

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9.

Section: G, Transportation, Number 2: "Installation of routine signs, markers, culverts, ditches, waterbars, gates, or cattleguards on/or adjacent to roads and trails identified in any land use or transportation plan, or eligible for incorporation in such plan."

Section: J, Other, Number 9: "Construction of small protective enclosures, including those to protect reservoirs and springs and those to protect small study areas."

The Departmental Manual (516 DM 2.3A(3) & App. 2) requires that before any action described in the following list of categorical exclusions is used, the exceptions must be reviewed for applicability in each case. The proposed action cannot be categorically excluded if one or more of the exceptions apply, thus requiring either an EA or an EIS. When no exceptions apply, the following types of bureau actions normally do not require the preparation of an EA or EIS.

None of the following exceptions in 516 DM 2, Appendix 2, apply.

Table 1. Exclusions.

EXCLUSION	YES	NO
1. Have significant impacts on public health or safety.		X
2. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wildmess areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas.		X
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].		X
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		X
5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.		X
6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		X
7. Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by either the bureau or office.		X
8. Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species.		X

EXCLUSION		YES	NO
9. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.			X
10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).			X
11. Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).			X
12. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).			X

INTERDISCIPLINARY REVIEW.

Table 2. BLM Interdisciplinary Team Authors and Reviewers.

Name	Title	Area of Responsibility
Issac Pittman	Rangeland Management Specialist	Rangeland Management
Carla DeYoung	Ecologist	Areas of Critical Environmental Concern; Vegetation; T/E/S Plants; Wetlands & Riparian Zones, Land Heath Standards
Greg Wolfgang	Outdoor Recreation Planner	VRM, Recreation, Travel Management, Recreation
Kimberly Leitzinger	Outdoor Recreation Planner	Wild and Scenic Rivers, Wilderness
Erin Leifeld	Archaeologist	Cultural Resources and Native American Concerns
Hilary Boyd	Wildlife Biologist	Aquatic Wildlife and T/E/S, Migratory Birds, Terrestrial Wildlife and T/E/S
Pauline Adams	Hydrologist	Air Quality, Water Quality, Soils, Geology
Kristy Wallner	Rangeland Management Specialist	Invasive, Non-Native Species (Noxious Weeds)
Brian Hopkins	Planning and Environmental Coordinator	NEPA Compliance

REMARKS.

Green lineage cutthroat trout (*Oncorhynchus clarki stomias*) – Threatened. Abrams Creek supports a core conservation population of this species. Healthy, dense riparian vegetation grows along the creek, which is expected to buffer any disturbance from the Proposed Action. The Proposed Action will not affect green lineage cutthroat trout habitat, and the project will have *No Effect* on this species.

SUMMARY OF FINDINGS AND DECISION.

I considered this action and determined that it may be categorically excluded. I have evaluated the action relative to the 12 criteria listed above and have determined that it does not represent an exception and is, therefore, categorically excluded from further environmental analysis.

Authorizing Official:  Date: 3/18/15
Monte Senor
Acting Supervisory Natural Resource Specialist

Contact Person

For additional information concerning this CX review, contact Isaac Pittman, Rangeland Management Specialist, Colorado River Valley Field Office, 2300 River Frontage Road, Silt, CO 81652, 970-876-9069.

Attachment 1. Map of Abrams Creek Cattle Guard and Fence Realignment.

